



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 10 2014

OFFICE OF  
ENVIRONMENTAL INFORMATION

Mr. Christopher Horner  
Competitive Enterprise Institute  
1899 L Street, N.W., 12<sup>th</sup> Floor  
Washington, D.C. 20036

Re: Freedom of Information Act Request – EPA-HQ-2014-007869

Dear Mr. Horner:

This is in response to your Freedom of Information Act request that was received by the Environmental Protection Agency (EPA), July 1, 2014, seeking “copies of all notices from the EPA to the National Archivist, of a possible loss or removal of records of EPA employee Gina McCarthy . . .” You are further seeking “EPA’s notices(s) to NARA of possible loss of records . . . involving former Agency employee Philip North.”

A search of Agency records located a letter dated June 24, 2014, sent to NARA by John Ellis, EPA Records Officer, which is attached. No other records were located, in response to your request.

Under the FOIA, you have the right to appeal this response to the National Freedom of Information Office, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), or E-mail:foia\_hq@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the request number listed above. For quickest possible handling, the appeal letter and its envelope should be marked “Freedom of Information Act Appeal.”

Sincerely,

A handwritten signature in black ink that reads "John Moses".

John Moses  
Division Director  
Office of Information Collection



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

June 24, 2014

OFFICE OF  
ENVIRONMENTAL INFORMATION

Paul M. Wester, Jr.  
Chief Records Officer for the United States Government  
National Archives and Records Administration  
8601 Adelphi Road  
College Park, MD 20740-6002

Dear Mr. Wester:

In an effort to ensure compliance with 44 U.S.C. § 3106, 36 C.F.R. §§ 1230.14 and 1230.16, I am writing to report a potential loss of electronic documents belonging to Phil North, a retired EPA employee. EPA has been searching for Mr. North's email and archive files on EPA's central email servers, Mr. North's laptop and old computer hard drive, and three external hard drives to find potentially lost documents related to the Bristol Bay matter in Southeast Alaska. Although thousands of Mr. North's electronic documents have been recovered specifically related to the Bristol Bay matter, there is a period of time between April 2007 and May 2009 where electronic documents related to the Bristol Bay matter have not been found in Mr. North's electronic files.

The office maintaining the records

The Aquatics Resources Unit of EPA Region 10's Office of Ecosystems and Tribal Affairs (ETPA). Mr. North was an Ecologist for the Aquatic Resources Unit.

A description of records with volume and dates, if known

The EPA is not able to specify the exact number or type of documents that may never be located, or the proportion of those documents that would be classified as "records" pursuant to the Federal Records Act. However, when searching for Mr. North's Bristol Bay related documents in response to a July 29, 2013, request from the House Committee on Oversight and Government Reform, the EPA identified a period of time between April 2007 and May 2009 where electronic documents related to the Bristol Bay matter were not found in Mr. North's email files. As described below, EPA is still searching for Mr. North's records and continues to find additional documents.

Circumstances surrounding the potential loss of records

Mr. North retired from EPA on April 30, 2013. The Congressional Oversight Committee requested that EPA produce Mr. North's documents related to Bristol Bay from 2002 to present on July 29, 2013. EPA started searching Mr. North's email accounts (Lotus Notes and Microsoft Outlook) and produced thousands of documents to Congress (producing more than 50,000 pages of responsive documents). In

our review of responsive documents we noticed that the email files we were reviewing did not include documents before mid-2009. We initiated a thorough investigation which led to the discovery of additional documents, including documents prior to 2009. We are continuing to search for Mr. North's documents related to the Bristol Bay matter.

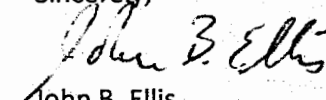
Actions taken to salvage, retrieve or reconstruct the records

EPA is currently reviewing all of Mr. North's electronic documents to determine if they are responsive to Congress's request. EPA is also searching through Mr. North's hard copy and other files in ETPA for responsive records.

Again, EPA cannot conclude at this time that Mr. North's documents will not eventually be located, nor does EPA have any reason to believe that Mr. North's records were intentionally destroyed. However, we are proactively notifying NARA so that we may benefit from any guidance or suggestions you may have regarding this matter.

Should you have any questions, you may contact me via email at [ellis.john@epa.gov](mailto:ellis.john@epa.gov) or via telephone at (202) 566-1643.

Sincerely,

  
John B. Ellis  
EPA Records Officer